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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/833,349	04/12/2001	Oliver Gottschalt	A-2794	3798

7590

07/08/2003

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EXAMINER

EVANISKO, LESLIE J

ART UNIT

PAPER NUMBER

2854

DATE MAILED: 07/08/2003

Please find below and/or attached an Office communication concerning this application or proceeding.

# Office Action Summary

Application No.

09/833,349

Applicant(s)

GOTTSCHALT ET AL.

Examiner

Leslie J. Evanisko

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

## Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

## Status

- 1) ☒ Responsive to communication(s) filed on 30 April 2003.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

## Disposition of Claims

- 4) ☒ Claim(s) 1-22 is/are pending in the application.
- 4a) Of the above claim(s) 1-4 and 12-22 is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 5-11 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

## Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 12 April 2001 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- 11) ☐ The proposed drawing correction filed on \_\_\_\_\_ is: a) ☐ approved b) ☐ disapproved by the Examiner.  
If approved, corrected drawings are required in reply to this Office action.
- 12) ☐ The oath or declaration is objected to by the Examiner.

## Priority under 35 U.S.C. §§ 119 and 120

- 13) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All b) ☐ Some \* c) ☐ None of:
1. ☒ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- \* See the attached detailed Office action for a list of the certified copies not received.
- 14) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application).
- a) ☐ The translation of the foreign language provisional application has been received.
- 15) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121.

## Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO-1449) Paper No(s) \_\_\_\_\_
- 4) ☐ Interview Summary (PTO-413) Paper No(s). \_\_\_\_\_
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: \_\_\_\_\_

**DETAILED ACTION**

***Continued Examination Under 37 CFR 1.114***

1. A request for continued examination under 37 CFR 1.114, including the fee set forth in 37 CFR 1.17(e), was filed in this application after final rejection. Since this application is eligible for continued examination under 37 CFR 1.114, and the fee set forth in 37 CFR 1.17(e) has been timely paid, the finality of the previous Office action has been withdrawn pursuant to 37 CFR 1.114. Applicant's submission filed on April 30, 2003 has been entered.

***Election/Restrictions***

2. Applicant's election without traverse of Group II, claims 5-11 in Paper No. 10 is acknowledged.
3. Claims 1-4 and 12-22 are withdrawn from further consideration pursuant to 37 CFR 1.142(b) as being drawn to a nonelected inventions, there being no allowable generic or linking claim. Election was made **without** traverse in Paper No. 10.

***Claim Rejections - 35 USC § 102***

4. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

5. Claims 5 and 8-11 are rejected under 35 U.S.C. 102(b) as being anticipated by Reffert (US 5,419,255). Reffert teaches an imaging assembly **1** comprising a printing plate **4** formed of magnetically attractable material (layer **6**) and an imaging machine (including work head **5**) for setting an image on the printing plate, the imaging machine including a magnetic cylinder **8** magnetically holding the printing plate firmly during the setting of an image thereon, the magnetic cylinder having at least one magnet for attracting the printing plate magnetically and being selected from the group consisting of permanent magnets and electromagnets. See Figures 1-2 in particular and column 4, lines 4-30.

With respect to claim 8, note the magnet for the magnetic cylinder comprises at least one permanent magnet, as taught in column 4, lines 12-13.

With respect to claims 9-11, note the imaging machine of Reffert can broadly be considered to be a plate-exposing, plate-developing, or plate-engraving machine as recited. Again, see column 6, line 43-column 7, line 5.

***Claim Rejections - 35 USC § 103***

6. This application currently names joint inventors. In considering patentability of the claims under 35 U.S.C. 103(a), the examiner presumes that the subject matter of the various claims was commonly owned at the time any inventions covered therein were made absent any evidence to the contrary.

Applicant is advised of the obligation under 37 CFR 1.56 to point out the inventor and invention dates of each claim that was not commonly owned at the time a later invention was made in order for the examiner to consider the applicability of 35 U.S.C. 103(c) and potential 35 U.S.C. 102(e), (f) or (g) prior art under 35 U.S.C. 103(a).

7. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

8. Claims 5-11 are rejected under 35 U.S.C. 103(a) as being unpatentable over Montgomery et al. (US 5,947,028) in view of Welch, Jr. (US 3,670,646). Montgomery et al. teach an imaging assembly comprising a printing plate and an imaging machine for setting an image on the printing plate, the printing plate being formed of a magnetically attractable material (i.e., steel), and the imaging machine including a magnetic cylinder for magnetically holding the

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printing plate firmly during setting of an image thereon are well known in the art. See column 1, lines 13-24 in particular. Although Montgomery et al. is silent with respect to the particular details of the magnetic drum and whether the magnetic material in the cylinder includes one of a permanent magnet and electromagnet, the use of a magnetic drum **56** having a plurality of bar (i.e., permanent) magnets **58** along the surface for holding a printing plate **48** comprised of a magnetic material is well known in the art, as exemplified by Welch, Jr. et al. in column 6, lines 1-55 and Figures 15-17 in particular. In view of this teaching, it would have been obvious to one of ordinary skill in the art to provide the cylinder of Montgomery et al. with at least one permanent magnet as taught by Welch, Jr. et al. to provide a plate that is to be imaged to be releasably fastened along the entire circumference of the drum.

With respect to claim 6, again although Montgomery et al. is silent with respect to the particular details of the magnetic drum and whether the drum includes a register system for aligning the printing plate, note that Welch, Jr. et al. teach a magnetic printing drum for holding a magnetic plate including a plurality of register pins for cooperating with holes in the plate, as described in column 6, lines 45-55 in particular. In view of this teaching, it would have been obvious to one of ordinary skill in the art to provide the cylinder of Montgomery et al. with a register system as taught by Welch, Jr. et al. to aid in positioning the plate on the cylinder.

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With respect to claim 7, note Montgomery et al. teach the use of clamps (both magnetic and mechanical) in combination with steel plates on magnetic drums in column 1, lines 22-24.

With respect to claim 8, note that Welch, Jr. et al. teaches the magnets **58** are bar magnets, and bar magnets are, by definition, permanent magnets.

With respect to claims 9-11, to the extent that applicant has recited any particular structure of the various imaging machines recited, note that Montgomery et al. teach an imaging machine which can broadly be considered to be any one of a "plate-exposing", "plate-developing", or "plate-engraving" machine. See column 1, lines 13-24 in particular.

### ***Response to Arguments***

9. Applicant's arguments with respect to claims 5-11 have been considered but are moot in view of the new ground(s) of rejection.

### ***Conclusion***

10. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure. Staehle et al. (US 3,271,226) teaches an imaging assembly with a magnetic cylinder having obvious similarities to the claimed subject matter. Additionally, Leanna et al. (US 4,116,594), Schwerin (US 2,788,743), Bray (US 3,714,692), and Kawazoe (US 5,136,945) each teach a

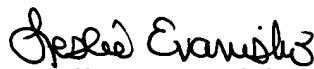
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magnetic cylinder for holding a printing plate in a printing device having obvious similarities to the claimed subject matter.

11. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Leslie J. Evanisko whose telephone number is (703) 308-0786. The examiner can normally be reached on M-Th 7:30 am-6:00 pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Andrew H. Hirshfeld can be reached on (703) 305-6619. The fax phone numbers for the organization where this application or proceeding is assigned are (703) 308-7722 for regular communications and (703) 308-7724 for After Final communications.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is (703) 308-0956.

  
Leslie J. Evanisko  
Primary Examiner  
Art Unit 2854

  
lje  
June 29, 2003